

2005 Wisconsin Act 78 Frequently Asked Questions

- 1. We have many of the fraternity or sorority houses owned by a private party leasing to the frat or sorority. Our understanding is these are exempt from the laws because they are not owned by the college, frat or sorority, is this correct?**

Answer: No. Wis. Stat. s. 101.14(4) as well as Wisconsin Administrative Code s. SPS 362.0903(6)(b) statutes and administrative code requirements covering existing housing use the term “operated by”. As such, the requirement applies to all fraternities and sororities regardless of ownership.

- 2. The houses that we are issuing compliance orders to are owned by a frat or sorority alumni and listed as such so we believe they must comply, is this correct?**

Answer: Yes. Wis. Stat. s. 101.14(4) as well as Wisconsin Administrative Code s. SPS 362.0903(6)(b) statutes and administrative code requirements covering existing housing uses the term “operated by”. As such, the requirement applies to all fraternities and sororities regardless of ownership.

- 3. We are telling them that if it is a one or two family dwelling that a NFPA 13D system is adequate, are we correct in allowing this?**

Answer: Yes. Wis. Stat s. 145.01(2) Defines Automatic Fire Sprinkler System

"Automatic fire sprinkler system", for fire protection purposes, means an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

Fire sprinkler systems complying with the above definition will meet the requirement.

- 4. If a college or building owner is questioning whether the requirement applies to their facility, will you (DPS) make a ruling on this?**

Answer: DSPS will help the authority having jurisdiction(AHJ) with the application of the law and rules. If the question is building specific, DSPS will have the AHJ enforce the requirements in a similar manner as all other Wisconsin Commercial Building Code requirements. Should local jurisdictions or areas of the state with no local AHJ and where the state is the AHJ, the state regional inspector will assist with the application of the requirements.

5. Can you give us assistance in getting these buildings into compliance?

Answer: DSPS will help the authority having jurisdiction with the application of the law and rules. If the question is building specific, DSPS will have the AHJ enforce the requirements in a similar manner as all other Wisconsin Commercial Building Code requirements. Should local jurisdictions or areas of the state with no local AHJ and where the state is the AHJ needs assistance, the state regional inspector will assist or provide the enforcement with the application of the requirements.

6. An existing dorm building is undergoing renovation work, since the language of the law indicates “constructed”, is the building subject to sprinklering due to the renovation work?

Answer: The requirements of the law and administrative rules use the term, “construct” which is interpreted as original construction date. Please be aware that other requirements may apply including sprinkler requirements of the International Existing Building Code(IEBC), Chapter 4. The IEBC may define the scope of the renovation or alteration work as Level 2 or Level 3 alteration work and therefore sprinklering may be required via the IEBC rather than by 2005 Wisconsin Act 78.